

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

ESTT. – General Administration Department – Sri S.K.SAMPATH KUMAR, Office Subordinate – Unauthorised absence from duty in different spells during December, 2005 to December, 2007 and continuous absence w.e.f. 01/01/2009 – Deemed to have resigned from service under the proviso to F.R.18-A and 5(B) of Andhra Pradesh Leave Rules – Orders – Issued.

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GENERAL ADMINISTRATION (OP.V) DEPARTMENT

G.O.Ms.No. 122

Dated:01/ 05/2014

Read the following:

1. Genl. Admn. (OP.V) Dept., Memo. No.21728 /OP.V/2009, dt.13/07/2009 and 05/11/2009.
2. Representation of Sri S.K.Sampath Kumar, OS, GAD for voluntary retirement dt.23/11/2010.
3. Genl. Admn. (OP.V) Dept. Memo.No.21728/OP.V/2009-4, dt.20/02/2013
4. Genl. Admn. (OP.V) Dept. Memo.No.21728/OP.V/2009-5, dt.20/02/2013.
5. From Sri S.K.Sampath Kumar, Office Sub-ordinate, GAD, representation, dt. 9-12-2013.
6. From Sri S.K.Sampath Kumar, Office Sub-ordinate, GAD, representation, dt. 31-12-2013.

ORDER

Sri S.K.Sampath Kumar, Office Subordinate, General Administration Department was un-authorisedly absent from duties for about 690 days in different spells during the years 2005, 2006 and 2007.

2. For the period from 1-1-2008 to 31-12-2008, he was permitted to be on On Duty being the office bearer of A.P. Secretariat Class-IV Employees Association. After expiry of said period the individual did not report for duty and from 01/01/2009 to till date he has been continuously under unauthorised absence without applying for any kind of leave or intimation/information to the office.

3. Instead of reporting to duty, the individual in the reference 2<sup>nd</sup> cited, has represented the Govt., to permit him to retire from service voluntarily with effect from 31-12-2010, due to ill health. But he did not submit any certificates/ documents with regard to the status of his ill-health.

4. After careful examination, in the reference 3<sup>rd</sup> cited, his representation was rejected, duly informing the individual that his request for voluntary retirement from service can not be considered as he is liable for the action to be taken for his unauthorised absence for duties in different spells from 2005 to 2007 and continuously from 01/01/2009 to till date.

5. The unauthorised absence of the individual was further examined with reference to rules. Under Rule 18-A of Fundamental Rules, and under Rule 5 (B) of Andhra Pradesh Leave Rules, 1933, a Government servant shall be deemed to have been resigned from the service if he is absent without authorization for a period exceeding '**one year**', provided that a reasonable opportunity to explain the reason for such absence before the provisions of the above rules are invoked.

(P.T.O)

6. Accordingly, in the reference 4<sup>th</sup> cited, a show-cause notice was issued on S.K.Sampath Kumar, Office Subordinate, General Administration Department as to why he shall not be deemed to have resigned from service with effect from 1-1-2009 under Rule 18-A of Fundamental Rules and Rule 5 (B) of A.P.Leave Rules, 1933 as he has been un-authorisedly absent from duty from 01/01/2009 to till date.

7. In response to the above, the individual in the references on 5<sup>th</sup> and 6<sup>th</sup> cited, has submitted that he has been suffering with severe back pain and bed-rest of 24 hours till date. Since his spinal cord is degenerated, he is not in a position to perform duties and intimated the same to Govt., and submitted leave-letters from time to time along with the certificates issued by the Doctors of Nizams Institute of Medical Sciences, Gandhi, and Osmania Hospitals. He also responded to the Government Memos issued for his un-authorized absence, and submitted leave letters from time to time duly indicating the status of his ill health and he didn't know whether the leave applied by him is sanctioned or not. He has further submitted that considering his health status permission may be accorded to retire voluntarily from service since he is still under complete bed-rest. He has further stated that due to degeneration of spinal cord he is not eligible for any other job and doctors advised him to be in bed-rest of 24 hours. He has further stated that though he is not medically fit, he has been working voluntarily as Secretary/Secretary General/President/Vice-President/Member/State Prl.Secretary etc., in many organizations without any remuneration. While submitting the above, the individual has requested to drop further action against him and treat the period of his absence as Special Leave or Medical leave and also to sanction minimum pension till such a time of settlement of all issues. In his subsequent representation in the reference 6<sup>th</sup> cited, the individual has requested to grant him medical leave upto 31-3-2014, and thereafter accord permission to retire voluntarily on medical grounds, and he is unable to sit and stand due to back pain and not in a position to perform duties.

8. The representation of the individual has been examined and it is observed that the individual did not submit any valid reasons for his un-authorised absence for various periods during the years 2005-2007 and for his continuous absence from 1-1-2009 to till date, except stating that he is suffering with degeneration of spinal cord. He has not submitted any medical certificates in support of his contention that he is completely under bed-rest for 24 hours, except enclosing a copy of O.P. Card of NIMS for the treatment obtained in October, 2009, and did not turn-up for duty even till date. The contention of the individual in submitting the leave-letters from time to time along with the certificates issued by the Doctors of Nizams Institute of Medical Sciences, Gandhi, and Osmania Hospitals is not correct since, no leave application was received from the individual for sanction of leave. It is further observed that on one hand the individual is contending that he is under 24 hours bed-rest and unable to walk and sit, and on the other hand he has been working in as many as 7 organizations in different capacities viz., Secretary/Vice-President/President, without any remuneration which is contradictory. Further, he has neither intimated nor taken prior permission of the Government before associating with such organisations which is in violation of Conduct Rules. The request of the individual to permit him to retire voluntarily w.e.f. 31-12-2010 has already been examined with reference to executive instruction (iv) (a) under Rule 43 of Andhra Pradesh Revised Pension Rules, 1983 and rejected, vide reference 3rd read above. As such sanction of minimum pension to him till settlement of his case as requested doesn't arise. The representations of the individual in the reference 5<sup>th</sup> and 6<sup>th</sup> cited, therefore merit no consideration and liable for rejection.

9. After careful examination of the entire matter it is observed that the unauthorised absence of Sri S.K.Sampath Kumar, Office Sub-ordinate, General Administration Department for duty from 01/01/2009 to till date, is willfull and he is liable for the action to be taken under Rule 18-A of Fundamental Rules and Rule 5(B) of Andhra Pradesh Leave Rules, 1933.

10. Accordingly, under Rule 18-A of Fundamental Rules and under Rule 5(B) of Andhra Pradesh Leave Rules, 1933, it is hereby ordered that Sri S.K.Sampath Kumar, Office Subordinate, General Administration Department is deemed to have been resigned from service with effect from 01/01/2009 i.e., from the date of his unauthorised absence.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

N.SIVA SANKAR  
SECRETARY TO GOVERNMENT (POLL.)

To  
Sri S.K.Sampath Kumar,  
H.No.LIG 225, Road No.9,  
Mushkmahal, Huda Colony, Hyd.  
The G.A.(Claims.E) Dept.  
The Dy.PAO, Sectt. Br.  
The AGAP, Hyderabad.

//FORWARDED BY ORDER//

SECTION OFFICER